IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Bail Appl..No. 3723 of 2007()

CRIME NO.109 OF 2007 OF EDAKKAD POLICE STATION

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: PETITIONER/IST ACCUSED

KUNNUMBRATH SADIQUE, S/O.MUHAMMED,
AGED 30 YEARS, IRIVERI AMSOM, DESOM,
P.O.IRIVERI, KANNUR DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA, THROUGH THE
SUB INSPECTOR OF POLICE,
EDAKKAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3723 of 2007

Dated this the 20th day of June, 2007

ORDER

Application for anticipatory bail. Petitioner is the husband of the defacto complainant. Allegations of matrimonial cruelty pending under Section 498 A I.P.C were alleged in a private complaint, which was referred to the police under Section 156(3) Cr.P.C. Investigation is pending. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied in the facts and circumstances of this case that appropriate direction under Section 438 Cr.P.C can be issued in favour of the petitioner. In coming to this conclusion, I take note of the fact that marriage is still subsisting and has been subsisting for the past about 6 years. The alleged victim admittedly has not suffered any serious injuries also. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 27.06.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only)

each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 28.06.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays until further orders;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 27.06.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 27.06.07.

(R.BASANT, JUDGE)

rtr/-